

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES EDWARD SCOTT, III,
Plaintiff,
vs.
TAITANO, *et al.*,
Defendants.

Case No. 3:23-cv-00263-ART-CLB
ORDER ON REPORT AND
RECOMMENDATION OF U.S.
MAGISTRATE JUDGE (ECF No. 45)

Pro se Plaintiff James Edward Scott, III brings this action against Defendants asserting claims under 42 U.S.C. §1983. The Court screened Plaintiff's complaint and allowed him to proceed with a First Amendment free exercise claim and a claim for violation of the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 2000 ("RLUIPA"). (ECF No. 4.) Before the Court is Defendants' motion for summary judgment. (ECF No. 38.) When Scott did not timely file a response to the motion, the Court *sua sponte* granted Scott an extension of time to do so. (ECF No. 43.) However, Scott failed to file a response and the time to do so has expired. Magistrate Judge Baldwin issued a Report and Recommendation ("R&R") which recommended granting Defendants' motion for summary judgment on Plaintiff's claims for failure to exhaust. (ECF No. 45.)

Under the Federal Magistrates Act, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by [a] magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). A court is not required to conduct "any

1 review at all . . . of any issue that is not the subject of an objection.” *Thomas v.*
2 *Arn*, 474 U.S. 140, 149 (1985).

3 Plaintiff has not filed an objection to Judge Baldwin’s report and
4 recommendations and his time to do so has now expired. (ECF No. 38.) Thus, the
5 Court is not required to conduct any review. The Court will therefore adopt Judge
6 Baldwin’s R&R in full.

7 **Conclusion**

8 It is therefore ordered that Judge Baldwin’s Report and Recommendation
9 (ECF No 45) is ADOPTED IN FULL.

10 It is further ordered that Defendants’ motion for summary judgment (ECF
11 No. 38) is GRANTED.

12 It is further ordered that the Clerk ENTER JUDGMENT accordingly and
13 CLOSE this case.

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15 Dated this 26th day of March 2025.

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18 ANNE R. TRAUM
19 UNITED STATES DISTRICT JUDGE
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